



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Ronald E. PELRINE et al.

Confirmation No.: 3746

Serial No.: 10/066,407

Group Art Unit: 1742

Filing Date: January 31, 2002

Examiner: Donald R. VALENTINE

Title: DEVICE AND METHODS FOR CONTROLLING FLUID FLOW USING ELASTIC
SHEET DEFLECTION

AMENDMENT, PETITION AND FEE TO CORRECT
ORIGINALLY NAMED INVENTORS UNDER 37 C.F.R. § 1.48(a)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment and petition is submitted to correct the incorrect original naming of inventors under 37 C.F.R. 1.48(a). Please add the following previously unnamed person as an inventor of the above-identified patent application:

John S. Bashkin

Entry of this amendment is believed to be proper since the error arose without any deceptive intent on the part of the person who through error was not named as an inventor.

Attached is:

- (a) A statement of facts by the person being added as an inventor establishing that the error occurred without deceptive intention on his part;
- (b) A supplemental declaration by the added inventor as required by 37 C.F.R. 1.63. This supplemental declaration is in addition to the previously submitted declaration, which was signed by all originally named inventors;
- (c) A check that includes monies for payment of the \$130.00 fee required by 37 C.F.R. 1.17(i) for the Petition under 37 C.F.R. 1.48(a);
- (d) Written consent of the assignee of record and;

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Thus, the correct inventors for this case are: Ronald E. Pelrine, Roy D. Kornbluh, and John S. Bashkin. As all requirements of 37 C.F.R. § 148(a) have now been met, this amendment and petition for a correction of inventorship may be properly granted. The issue fee is being paid concurrently herewith and a correction on the issued patent is respectfully requested.

If there are any questions regarding this communication, the undersigned attorney may be reached at (650) 330-0900.

Respectfully submitted,

By: *Shelley Eberle*
Shelley P. Eberle
Registration No. 31,411

REED & EBERLE LLP
800 Menlo Avenue, Suite 210
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Title: DEVICE AND METHODS FOR CONTROLLING FLUID FLOW USING ELASTIC SHEET DEFLECTION

STATEMENT OF FACTS BY THE PERSON
BEING ADDED AS AN INVENTOR UNDER 37 C.F.R. 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, John S. Bashkin, hereby declare as follows:

1. That I am a co-inventor of U.S. Patent Application Serial No. 10/066,407, filed on January 31, 2002, along with Ronald E. Pelrine and Roy D. Kornbluh.
2. That it has now become apparent that the inventorship of the above referenced patent application was originally incorrectly identified as being Ronald E. Pelrine and Roy D. Kornbluh, and that such identification was done without any deceptive intention on my part.

The undersigned further declares that all statements made herein of his own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

By: 

Name: John S. Bashkin

Date: 5/14/04



Atty Dkt No. 8500-0267
SRI No. P-4598

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICES AND METHODS FOR CONTROLLING FLUID FLOW USING ELASTIC SHEET DEFLECTION**, the specification of which

☐ is attached hereto.

☒ was filed on January 31, 2002 and assigned Serial No. 10/066,407.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

Atty Dkt No. 8500-0267

SRI No. P-4598

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than one year prior to this application.

I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below. I hereby claim benefit under Title 35, United States Code § 120 of any United States Patent application(s) listed below and, insofar as the subject matter of each of the claims of this application are not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Date of Filing (day/month/year)	Priority Claimed
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Att'y Dkt No. 8500-0267
SRI No. P-4598

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Dianne E. Reed, Reg. No. 31,292
Shelley P. Eberle, Reg. No. 31,411
Mark L. Warzel, Reg. No. 47,264
Edward E. Davis, Reg. No. 35,112
CUSTOMER NO. 23980

Address all correspondence to Shelley P. Eberle at

REED & EBERLE LLP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025

Address all telephone calls to Shelley P. Eberle at (650) 330-0900.

This appointment, including the right to delegate this appointment, shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: 

Date: 5/14/04

Full Name Inventor: John S. Bashkin

Citizenship: United States of America

Residence: 43623 Tonica Road, Fremont, CA 94539

Post Office Address: 43623 Tonica Road, Fremont, CA 94539

f:\document\8500\0267\declaration & poa-added inventor.doc



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WRITTEN CONSENT OF ASSIGNEE TO CORRECT
ORIGINALLY NAMED INVENTORS UNDER 37 § C.F.R. 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, an authorized representative of SRI International, declares as follows:

1. SRI International (hereinafter "ASSIGNEE") is the assignee of inventor Ronald E. Pelrine's and Roy D. Kombluh's interest of U.S. Patent Application Serial Number 10/066,407, which was filed on January 31, 2002, and entitled "DEVICE AND METHODS FOR CONTROLLING FLUID FLOW USING ELASTIC SHEET DEFLECTION" (hereinafter the "APPLICATION"), as set forth in an Assignment, recorded on April 22, 2002, at Reel 012613, and Frame 0477;

2. ASSIGNEE hereby assents to the correction of inventorship filed herewith; and

3. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the APPLICATION or any patent issuing thereon.

Respectfully submitted,

By: 

Name: Edward E. Davis

Title: Manager, Intellectual Property

Date: 5/14/04